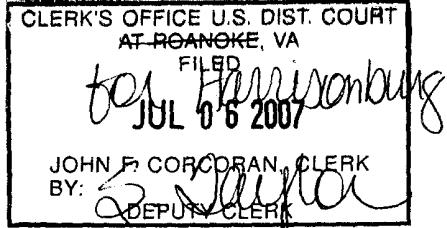


**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION**



MARK A. VIAR, )  
Plaintiff, )  
v. )  
MICHAEL J. ASTRUE, )  
Commissioner of Social Security, )  
Defendant. )  
)  
)  
)  
)  
)  
)  
Civil Action No. 5:06CV00095  
FINAL ORDER  
By: Samuel G. Wilson  
United States District Judge

This case was referred pursuant to 28 U.S.C. § 636(b)(1)(B) to the Honorable James G. Welsh, United States Magistrate Judge. The Magistrate Judge has filed a report recommending that an order be entered denying the defendant's motion to dismiss, vacating the final decision, and remanding the case to the Commissioner for further proceedings with the parties to have the opportunity to introduce such additional evidence as they may desire. Objections to the report and recommendation have not been filed, and the court, upon review of the record, is of the opinion that the report should be adopted. It is accordingly, **ORDERED** and **ADJUDGED** that the defendant's motion to dismiss is **DENIED**, the final decision is **VACATED**, the case is **REMANDED** to the Commissioner for further proceedings, and this case is **ORDERED** stricken from the docket of the court.

**ENTER:** This July 6, 2007.

~~UNITED STATES DISTRICT JUDGE~~